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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

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CENTRAL VALLEY AUDITORIUM
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SACRAMENTO, CALIFORNIA

TUESDAY, OCTOBER 15, 2002
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Reported by: ERIC V. NELSON, CSR #2205, RPR, CM

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

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Dan Eaton

Steven R. Jones

Jose Medina

Michael Paparian

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Acting Chief Deputy Director

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Pat Schiavo, Deputy Director

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Carol Mortenson, Acting Assistant Director

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Frank Simpson, Director

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Good morning.

3 I would like to welcome you to the October meeting of the
4 California Integrated Waste Management Board.

5 Please call the roll.

6 SECRETARY WADDELL: Cannella.

7 Eaton.

8 BOARD MEMBER EATON: Here.

9 SECRETARY WADDELL: Jones.

10 BOARD MEMBER JONES: Here.

11 SECRETARY WADDELL: Medina.

12 BOARD MEMBER MEDINA: Here.

13 SECRETARY WADDELL: Paparian.

14 BOARD MEMBER PAPARIAN: Here.

15 SECRETARY WADDELL: Moulton-Patterson.

16 CHAIRPERSON MOULTON-PATTERSON: Here.

17 At this time I'd like to ask that everyone
18 please turn off their pagers and cell phones, and also
19 there are agenda items on the back table. There are a few
20 copies because we are still trying to conserve energy and
21 reduce waste.

22 If you'd like to speak to the Board on an
23 item, please fill out one of the request forms that are on
24 the back table also and give it to Ms. Waddell who is
25 right over here, and she will let us know that you want to

1 speak.

2 Mr. Eaton, any ex partes?

3 BOARD MEMBER EATON: No, Madam Chair,
4 although I haven't checked, due to the three-day weekend,
5 off the fax machines. So there may be some that I will
6 report later, but nothing that I have seen.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mr. Jones.

9 BOARD MEMBER JONES: I have got four of them.
10 Two from Mark Murphy, One on ADC regs, one on the plastics
11 white paper. One from Mark Harmon from the City of
12 Claremont; and one from Karen Gerbosi, the BB Family Ranch
13 on the Sonoma tire sites.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 I'm up to date.

16 Mr. Medina.

17 BOARD MEMBER MEDINA: Disagreement from John
18 Cupps this morning. That is the only one I have to
19 report.

20 CHAIRPERSON MOULTON-PATTERSON: Okay.

21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: I'm up to date.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 We're going to take things slightly out of
25 order this morning because of a scheduling problem. We're

1 going to go ahead with the consent calendar.

2 CHAIRPERSON MOULTON-PATTERSON: First of all
3 I'd like to report that items 10, 22 and 40 have been
4 pulled from the agenda. Item 33 will be continued to the
5 December Board meeting. Items 1, 3, 4, 9, 16, 17, 20, 21,
6 25, 26, and 27 were heard at the committee level only.
7 Items 14 and 15 have been deleted from the agenda.

8 Items 5, 12, 13, 18, 19 revised, 24, 28
9 through 32, 34 through 38, 39 revised, 41 through 48, 50
10 through 58, 60 and 61 are proposed for consent.

11 Items 49 and 59 are also proposed for
12 consent, but we'll be taking them in a separate motion due
13 to a conflict of interest that I have, and I'll be
14 abstaining from those. So again, the consent calendar is
15 items 5, 12, 13, 18, 19 revised, 24, 28 through 32, 34
16 through 38, 39 revised, and 41 through 48, 50 through 58,
17 60 and 61 on this motion. Would anyone like to make a
18 motion?

19 BOARD MEMBER JONES: I'll make that motion,
20 Madam Chair.

21 BOARD MEMBER MEDINA: Second.

22 CHAIRPERSON MOULTON-PATTERSON: Great.
23 Mr. Jones is moving the consent calendar as read, and it
24 is seconded by Mr. Medina. Would you please call the
25 roll, Miss Waddell.

1 SECRETARY WADDELL:

2 MR. EATON: Aye.

MR. JONES: Aye.

3 MR. MEDINA: Aye.

MR. PAPARIAN: Aye.

4 MS. MOULTON-PATTERSON: Aye.

5 CHAIRPERSON MOULTON-PATTERSON: I'll turn the
6 meeting over to our Vice Chair, Mr. Medina, for items 49
7 and 59.

8 BOARD MEMBER MEDINA: Thank you, Madam Chair.

9 If we could have staff make that presentation
10 on 49 and 59, we'll take those together.

11 BOARD MEMBER JONES: Mr. Medina, as Chair of
12 the Planning Committee, those were both on consent. I
13 know the Chairwoman has a conflict on these cities. So I
14 would like to move adoption of item 49, which is 1066,
15 extension for the City of Alhambra, and item 59, which is
16 consideration to change the base year for the City of
17 Alhambra in LA County.

18 BOARD MEMBER MEDINA: Is there a second?

19 BOARD MEMBER EATON: Second.

20 BOARD MEMBER MEDINA: Those items have been
21 moved and seconded. Would call the roll on those, please.

22 SECRETARY WADDELL:

23 MR. EATON: Aye.

MR. JONES: Aye.

24 MR. MEDINA: Aye.

MR. PAPARIAN: Aye.

25 MS. MOULTON-PATTERSON: Abstain.

1 BOARD MEMBER MEDINA: Those items have been
2 moved, seconded and passed.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you,
4 Mr. Medina.

5 Okay. We'll go back to the regular portion
6 of our agenda. I did want to announce that there will be
7 a closed session, and would after lunch be okay? Is that
8 okay with my colleagues?

9 Okay. So we will have it probably about 1:30
10 or 2:00 when we decide to return from lunch. See how the
11 agenda goes.

12 Okay. Reports from Board members.
13 Mr. Eaton.

14 BOARD MEMBER EATON: Madam Chair, I'm going
15 to defer to Mr. Jones with regard to a couple of the
16 meetings that we all mutually attended as Chair of the
17 Special Ways to Marketing Committee.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you,
19 Mr. Eaton. Mr. Jones.

20 BOARD MEMBER JONES: Thanks, Madam Chair.

21 We had a pretty busy month. All the
22 committee members, in fact, the whole Board almost. On
23 September 19th, we were in Sonoma County for a waste tire
24 workshop to work on learning more about the issues with
25 the piles that were put in place of tires used for erosion

1 control. We heard from a lot of different entities that
2 were involved in this from a regulatory standpoint, and
3 we'll have an update for you on what our future course is
4 going to be as far as how we're going to be able to learn
5 a little more and deal with that.

6 We had a RMDZ zone administrator workshop
7 presented to the committee on September 25th that was
8 really put on by the zone administrators, and it was an
9 incredible two or three hours or four hours, whatever it
10 was. They did a great job of presenting their ideas about
11 the zones and some ideas for us in the future.

12 We did have -- we have held, again, the
13 Special Waste Committee has held the first two of three
14 tire workshops on the revision of the five-year plan. The
15 first one was held in this building. Second one was held
16 last week in Van Nuys. And we didn't have a lot of people
17 but we had a lot of discussion.

18 And we'll have our last one on Thursday down
19 in Concord, and then based on those comments the staff
20 will bring an item back to the committee for discussion,
21 and then we will bring it on to the Board.

22 And then just real briefly, I attended the
23 second RAC workshop down in Carlsbad. 110 people
24 participated. These were engineers for the cities, they
25 were public works directors, people that actually put

1 rubber on the highways down in Southern California. It
2 was a good event.

3 The RPA, Rubber Paving Association, contracts
4 with the Southern California RAC center, and the
5 combination is really working. I have attended one and
6 gave opening remarks at this one.

7 The great thing about this last one with the
8 110 people was that most of them had some experience with
9 rubberized asphalt, and they were able to share their
10 experiences with it. And we have got -- the more we can
11 learn about this, the better it's going to be. They were
12 all excited about the Kuhl bill and what that might do.

13 Then like you, Madam Chair, I was up at RCRC
14 last week briefly for -- sat on a panel on regulations in
15 rural, how the rurals are dealing with it. Pretty good.

16 And then at the grand opening of the Disposal
17 C and D site. So that's it.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you,
19 Mr. Jones.

20 Mr. Medina.

21 BOARD MEMBER MEDINA: Thank you, Madam Chair.

22 I'd like to report that I spoke at the
23 National Hispanic Environmental Council's first California
24 Latino Environmental and Natural Resources Conference on
25 Sunday, October 6, 2002. The conference was sponsored by

1 Cal EPA and the Resources Agency. I'm proud to say the
2 Waste Board played a significant role in this conference
3 that brought together more than 250 Latino students and
4 interested professionals to discuss significant California
5 environmental issues.

6 The conference was a huge success. We heard
7 back from many of the students that are interested in
8 continuing to pursue careers in the area of environmental
9 protection.

10 That concludes my report.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you,
12 Mr. Medina.

13 Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Thank you, Madam
15 Chair.

16 I have several things I want to mention this
17 month. As follow-up to some of the C and D issues that we
18 have been dealing with, I visited two facilities this last
19 month. One was the Burrtec facility in Fontana where I
20 met with representatives of the Inland Empire Disposal
21 Association. I also visited the Looney Bins site in Sun
22 Valley. Quite an interesting contrast between the two and
23 what they are up to.

24 I also visited Lopez Canyon landfill where
25 there are some interesting issues involving final cover,

1 and the Van Norman mulching facility where they had some
2 interest in what's up with the compost regs.

3 As Mr. Jones mentioned, there was the
4 five-year tire plan meetings that I also attended. I
5 think we got some good input into some potential positive
6 changes to the five-year plan.

7 As most people know, the Governor vetoed SB
8 1523, the bill by Senator Schurr regarding E-waste, but in
9 his veto message the Governor directed Cal EPA Secretary
10 Hickox to gather input from stakeholders and come up with
11 some proposals for a California system dealing with
12 electronic waste that draws on the work of the European
13 union in this area.

14 In response to the veto message, my office
15 will be working with the Secretary and his staff to
16 convene stakeholder meetings later this fall, as well as
17 conduct some research into program options for California.

18 I'm also staying very involved in NEPSI. We
19 have another NEPSI meeting coming up in late November.

20 In his veto message, the Governor also
21 directed the state to come up with procurement and
22 end-of-life management systems for state agencies to
23 follow to manage their electronic waste in an
24 environmentally sound way. Terri Cronin and Jeff Hunts,
25 they are obviously clairvoyant because they started

1 working on this effort last fall and will be having a
2 stakeholder meeting on the draft guidelines regarding
3 these state electronics. They are going to have a
4 workshop in November.

5 I want to thank them and also their
6 contractor, Art Wiseman of Green Seal, for all their good
7 work on this project.

8 On Tuesday, October 8th, Mark Leary and I met
9 with Jerry Fine and Sherry Geiogue of the Senate Cost
10 Control Commission regarding the tire program. They
11 seemed to be gathering a lot of information on the tire
12 program. It's not clear to me at least from our meeting
13 what direction they will take. Mark Leary might want to
14 add something on this in his report.

15 They also seem to have some interest in other
16 Board activities. They asked about used oil and market
17 development as well.

18 I suggested to them that they ought to be
19 meeting with other members of the Board who have
20 experience in the tire area, as well as our staff if they
21 haven't made that contact already, and I think Mark was
22 going to provide them with some names of folks they ought
23 to be contacting.

24 Our environmental justice project with the
25 University of California at Santa Cruz is moving forward,

1 thanks to the good work of Rubia Packard and Romel Pascual
2 and Melinda Hall. I believe the project which will bring
3 different community groups before the committees and the
4 Board over the course of the coming months, that it might
5 nicely intersect with the legislation the Governor
6 recently signed regarding environmental justice. That was
7 SB 1542 by Senator Escutia. It requires the Board to
8 assist local governments with taking community issues into
9 account when citing solid waste facilities.

10 My staff is working with Carol Mortenson in
11 her efforts to coordinate the response to the Escutia
12 bill. There is an obvious relation to several of the
13 committees that we have, including the P and E committee.

14 I'd also like to thank Jean Estes for all her
15 hard work on updating the EMS web page on the EPA Net.
16 Our EMS effort is really coming together, and I would
17 encourage all of you to check out the progress report on
18 the EPA Net.

19 One interesting fact that our EMS Committee
20 dug up is that we're actually using a little bit more
21 energy this summer than we did last summer. There are a
22 lot of other statistics on building energy use and
23 recycling on our website in days you are interested.

24 The year-to-year increase in summer energy
25 use could be due to a lot of other factors, including the

1 hot weather and other things, but I think it's important
2 to note that we need to be ever vigilant in our efforts to
3 keep energy use down.

4 Also on the EMS website is a link to the
5 great video that Frank Simpson and his team put together
6 for the launch of energy awareness month. October is
7 energy awareness month. Frank did a really good job on
8 this video, and I want to thank him for that.

9 And I think, Frank, you might have a copy
10 cued up for people to take a look at.

11 MR. SIMPSON: Sir, it is ready to go.

12 CHAIRPERSON MOULTON-PATTERSON: Before we do,
13 if I might interrupt for one moment. I really made a
14 mistake here. Mark J. Harmon from the City of Claremont
15 wanted to speak on item 51. Now we have approved that.

16 But Mr. Harmon, if you'd like to come forth
17 and comment right now, I think we'll do that before I
18 forget again. And I apologize.

19 MR. HARMON: That's fine. Thank you, Madam
20 Chair, Board members. Good morning. Just so I'm clear,
21 though, you have approved it and there's no, I guess,
22 opportunity to make a statement and have that rescinded in
23 any way? I guess my point is, I'd love to make a
24 statement to the Board, but if the issue has been
25 approved, I don't know how much good it will do.

1 CHAIRPERSON MOULTON-PATTERSON: Were you
2 speaking in opposition?

3 MR. HARMON: Well, yes, I was actually on
4 Item No. 51, time extension for the City of Claremont. I
5 did submit a letter to the Board dated October 10th. It
6 was sent by fax to all Board members, concerning our
7 concerns with that issue.

8 What the City of Claremont would like to ask
9 this morning, respectfully ask this morning, is that the
10 Board defer this item, defer the time extension for City
11 of Claremont, give city staff the opportunity to work with
12 your OLA staff, specifically Steve Uselton, on a good
13 faith recommendation and come back to the committee in
14 December. We would like the opportunity to work with --

15 CHAIRPERSON MOULTON-PATTERSON: Excuse me,
16 Mr. Harmon. In fairness to you, Mr. Jones will make a
17 motion to take that off. We'll hear your testimony, and
18 then reconsider. And I do apologize, Mr. Jones.

19 MR. HARMON: That is all right.

20 BOARD MEMBER JONES: Can I just ask a
21 question, Madam Chair, of Mr. Harmon?

22 CHAIRPERSON MOULTON-PATTERSON: Sure.

23 BOARD MEMBER JONES: He made a pitch for good
24 faith effort at the committee meeting that kind of came
25 out of the blue, and I had sent Dorman to find out if in

1 fact he was -- what was going on there, and it almost
2 sounded like there was some confusion.

3 I'll make a motion to take the SB 1066 off,
4 but I'm not going to make a motion for good faith effort.

5 MR. HARMON: And I understand that, sir. And
6 I apologize for, to use your words, out of the blue. We
7 did work with --

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones
9 made a motion to take this off. I'll second it. It is
10 item 51. Then we're going to go back and reconsider. So
11 please quickly call the roll.

12 SECRETARY WADDELL: Eaton.

13 BOARD MEMBER JONES: He's gone.

14 CHAIRPERSON MOULTON-PATTERSON: He had to
15 leave for a doctor's appointment.

16 SECRETARY WADDELL:

17 MR. JONES: Aye.

MR. MEDINA: Aye.

18 MR. PAPARIAN: Aye.

MS. MOULTON-PATTERSON: Aye.

19

20 CHAIRPERSON MOULTON-PATTERSON: Continue,
21 Mr. Harmon.

22 MR. HARMON: Thank you. I guess maybe the
23 best way to do this, just some real brief comments.

24 We did submit the letter dated October 10th
25 that I think clearly lists our concerns with the

1 extension. Quite honestly, I didn't consider the
2 three-day holiday.

3 The City of Claremont is concerned, our
4 original diversion rate was 46 percent. We have
5 implemented all of our programs listed in our SRRE. We
6 have in fact implemented additional programs.

7 And Board Member Jones made a very nice
8 comment at the committee meeting that the City of
9 Claremont has in fact made, I guess -- I don't know if he
10 used the term good effort -- but made a real strong effort
11 in implementing programs. We appreciate that.

12 Our concern is that when we first started
13 meeting with OLA staff, at the 46 percent level, we were
14 told that given the level of our program implementation
15 and that diversion rate, that we were a very valid
16 candidate for good faith effort. Because of a landfill
17 problem at the Fontana Coalton Landfill, which the City of
18 Claremont had no control over, some clean green waste was
19 charged back to the city as trash. That dropped our
20 diversion level to 44 percent.

21 At that time we were told because it was not
22 46, it was 44, no longer were we eligible for a good faith
23 effort.

24 The city -- what we're asking this morning is
25 simply to defer action on item 51 on the extension. The

1 city staff would like more time to work with the Office of
2 Local Assistance staff. We would like to go over the
3 numbers again.

4 We would like the opportunity to meet with
5 Steve and Jennifer and come back to the committee in
6 December with a good faith effort recommendation, if
7 working with staff it is a valid recommendation, and
8 that's what we're asking for today. If we could have that
9 extra time to work with your staff, we'd be very happy
10 about that.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you,
12 Mr. Harmon, and again, I apologize.

13 BOARD MEMBER JONES: Madam Chair, can I ask a
14 question?

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones has
16 a question.

17 BOARD MEMBER JONES: Mr. Schiavo, we just
18 disapproved the SB 1066. Now it's going to be up to you
19 to work with Claremont to see if there is validity in the
20 good faith effort. So that item may not come forward
21 until when, December, January, February?

22 MR. SCHIAVO: It could be January or it could
23 be December, depending on the conversations, depending on
24 the amount of agreement, depending on what's trying to be
25 proved. It also goes beyond the numbers. It is more

1 program related when we start getting into good faith
2 effort issues, not whether somebody is at 46 or 44
3 percent.

4 BOARD MEMBER JONES: I would agree.

5 Madam Chair, I think since we have taken it
6 off, we have basically said we're not going to give them
7 the 1066 extension, and then refer it back to Mr. Schiavo
8 and have him work on it and maybe we see it in December,
9 January, February, whatever.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank
11 you very much.

12 Thank you, Mr. Harmon.

13 Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Thank you. I just
15 want to be clear. The city asked for a 1066 extension?

16 MR. SCHIAVO: Yes.

17 BOARD MEMBER PAPARIAN: Now the city is
18 suggesting they want to go a different path?

19 MR. SCHIAVO: Yes.

20 BOARD MEMBER PAPARIAN: Does that mean that
21 if the different path doesn't work, they have closed the
22 door on the 1066 extension, or can they come back and get
23 their 1066 extension if the discussions are not -- don't
24 resolve things?

25 MR. SCHIAVO: I would think they still would

1 be eligible for an SB 1066 extension. Yes, they would
2 still be because they actually have submitted it, they
3 just want to apparently look at whether or not there is
4 considered a good faith effort. Although it makes you
5 start wondering about the good faith effort. We'll see
6 what kind of conversations we have.

7 BOARD MEMBER PAPARIAN: I want to make sure
8 they are not shooting themselves in the foot with this.

9 MR. SCHIAVO: It essentially would be like
10 reserving the right where we bring forward to the Board
11 jurisdiction to be considered above 50 percent or be
12 considered for good faith effort, and they have reserved
13 the right to submit an SB 1066 petition. In this case
14 they have already completed their SB 1066 extension.
15 That's the way I would look at it. But again, it's
16 predicated on what kind of -- what the conversations
17 reveal.

18 BOARD MEMBER PAPARIAN: Okay.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,
20 Mr. Schiavo; thank you, Mr. Harmon.

21 MR. HARMON: Madam Chair, can I comment on
22 that, please, for just one minute?

23 CHAIRPERSON MOULTON-PATTERSON: Quickly.

24 MR. HARMON: I will be very quick.

25 When we met with the Office of Local

1 Assistance, we were told because of the 44 percent, that
2 we had to file a 1066 extension. We made it very clear at
3 that point in time that we would rather put forth the
4 effort and try and get a good faith effort. We were told
5 to file the 1066 extension and then we could come to the
6 December committee meeting and talk to the committee
7 members at that time.

8 We thought we were following the prescribed
9 method for dealing with the issue. If we didn't, we
10 apologize. But that's the information we were given. We
11 were not aware you could straddle the fence and do both.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,
13 Mr. Harmon.

14 Mr. Paparian, I'm going to turn it back over
15 to you, and I apologize to you for the interruption.

16 BOARD MEMBER PAPARIAN: Thank you, Madam
17 Chair. I think Frank Simpson was ready to show the energy
18 awareness video.

19 MR. SIMPSON: Yes, sir, we do have that cued
20 up. But I would like to extend your compliment to John
21 Blue as well. John did an excellent job in turning the
22 script around for us in a very quick matter of time.
23 Rubin.

24 (Video presented.)

25 CHAIRPERSON MOULTON-PATTERSON: Thank you

1 very much.

2 BOARD MEMBER PAPARIAN: Madam Chair, I want
3 to thank Frank Simpson for putting this together, and as
4 he pointed out, John Blue for his good help, too.

5 There was a version of this that talked also
6 about the recycling and waste reduction activities, as
7 well as some of the recycle content materials that are in
8 the building. I asked Frank to separate that material
9 because I felt it should stand alone and really be
10 emphasized in its own way rather than tagging on to this.
11 So hopefully we will expect to see something similar in
12 the future talking about the waste reduction and recycling
13 activities in the building.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank
15 you very much, and thank you, Frank and John.

16 Moving along, on my report, just very
17 briefly, I want to thank Mr. Jones for pulling together
18 the Sonoma County tire legacy people, all the involved
19 parties. It was a very important meeting, and it is a
20 very important issue, and thank you for that.

21 I also attended the Governor's Conference for
22 Women in Long Beach. I was able to present a certificate
23 of recognition for the Newport Coast Elementary School
24 that has so many of these energy saving elements, and our
25 staffs worked really hard on that, and I really was very

1 proud to be able to do that.

2 As Mr. Jones said, I, too, attended the Rural
3 Counties Regional Council and was able to hear directly
4 from some of the rural counties and some of their special
5 concerns.

6 I also attended the opening of Madison
7 Recycling in Santa Ana, as did Mr. Jones.

8 And I just want to take a moment to thank
9 Carol Mortenson for all of her work during this busy
10 legislative season. You really did a great job, Carol,
11 and we're all very proud of you, and thank you. I know
12 you spent a lot of long long days and evenings here
13 working on it.

14 Just a reminder from me to our stakeholders
15 and to the public. We're doing great work in the
16 committees, but as I said at the public agenda review,
17 just because it's proposed for consent doesn't mean that
18 it's going to go that way. So I just want to again remind
19 our stakeholders that it's not really a done deal. So
20 please be here if need be because these can be pulled off.

21 With that, I will turn it over to Mr. Leary,
22 our Executive Director.

23 MR. LEARY: Thank you, Madam Chair. Good
24 morning, members, and Madam Chair, thank you for your very
25 positive comments there to Carol. In fact, that is a

1 great segue to my opening which is to talk a little bit
2 about the legislative activity that's occurred in this
3 last legislative year.

4 As you know, it's been a very active and
5 successful legislative year for the Board. The
6 legislative office is preparing an end-of-session wrap-up
7 report for you that will detail all the solid waste bills,
8 but I would like to touch on a couple of the major bills
9 and highlight them.

10 First of all, Assembly Bill 2770, Assembly
11 Member Matthews, dealing with conversion technologies.
12 This bill will allow the Board to expand its effort into
13 the emerging world of conversion technologies and explore
14 options for surrounding them as a waste management option.

15 Assembly Bill 467 by Assembly Member
16 Strom-Martin establishes the Landfill Closure Loan Program
17 and gives the Board the authority to provide loans for
18 early closure of small rural landfills. This loan program
19 is an offshoot of the very successful Compliance Loan
20 Program and was also a recommendation of the State
21 Auditor's Report.

22 Senate Bill 649 by Senator Sher was an
23 omnibus bill that makes several, noncontroversial,
24 technical changes to Board statute, which included
25 language that will assist the Board with cost recovery

1 efforts by simplifying the lien process on properties
2 cleaned up by Board funds.

3 Staff will be bringing items forward dealing
4 with these new laws in the upcoming months.

5 As Board Member Paparian reported, the
6 Governor did veto two of the Cathode Ray Tube Recycling
7 bills, Senate Bill 1523 and 1619, and as he mentioned, the
8 veto message attached to 1523 was a strongly worded
9 challenge to the electronics industry. We look forward to
10 working in support of Board Member Paparian and ultimately
11 Secretary Hickox in providing leadership and working with
12 the stakeholders on the successful program to implement
13 that European union model.

14 Madam Chair, I would like to bring special
15 attention to an effort that you did include in your
16 report, the Newport Coast Elementary School. October 4th,
17 you represented a certificate of recognition to the
18 Newport-Mesa Unified School District before an assembly of
19 more than 500 grade school students. Principal Monique
20 Van Zeebroeck accepted the recommendation on behalf of the
21 Newport Coast Elementary School in Newport Beach.

22 The certificate honored the school for its
23 cooperation and foresight in working with the Southern
24 California Edison, incorporating a number of architectural
25 designs, daylighting, natural ventilation, water

1 conservation, and recycled material usage, using the
2 Collaborative for High Performance Schools or CHPS
3 guidelines. Compared to similar schools, Newport Coast
4 Elementary will use 45 percent less energy, saving \$15,000
5 every year. Use of natural light and ventilation has been
6 shown to improve student performance by up to 25 percent
7 and to reduce absenteeism.

8 Local PBS affiliate KOCE-TV and the Los
9 Angeles Daily Pilot interviewed the Chair. In addition,
10 the Board's Office of Public Affairs was contacted by the
11 LA Times about this presentation.

12 Next I'd like to touch an upcoming major
13 event for the Board, the Board's Statewide Food Residuals
14 Diversion Summit. Say that three times fast. Takes place
15 next Tuesday and Wednesday, October 22 and 23rd, here in
16 Sacramento. The Board is sponsoring the summit as these
17 materials make up over 16 percent of our waste stream.

18 The event will bring many players together
19 for the first time to share viewpoints, overcome obstacles
20 and to help shape policy on food residuals.

21 Frances Moore Lappe, author of Hope's Edge
22 and Diet For a Small Planet, who has challenged our
23 thinking about world hunger for 30 years, will be a
24 keynote speaker for the summit.

25 Several of you members will be involved in

1 our program, as will former Air Resources Board Chair John
2 Dunlap, who is now president and CEO of the California
3 Restaurant Association; Willy Elliot-McCrea, founding
4 president of the California Association of Food Banks;
5 Jack Macy, Organic Materials Recycling Program for the
6 City and County of San Francisco; and Pat McConahay,
7 co-host of KVIE's California Heartland, will also be
8 presenting and participating.

9 We expect about 150 participants in this
10 summit. Registration is still open. And I'd like to
11 encourage anyone here this morning or anyone listening via
12 the Internet to pick a brochure or get a brochure off our
13 website and look into attending this very promising event.

14 Just touching briefly on Mr. Paparian's
15 comments about the Senate Cost Committee, I totally concur
16 with his representation that they appear to be casting
17 their net rather broadly and interested in a number of the
18 Board's programs. We will work in a very forthright
19 fashion with these folks to see exactly what they are
20 interested in learning about the Board's activities, and
21 we are in the midst of preparing a package for each of the
22 members providing some information on the background of
23 this committee.

24 It's a fairly unusual committee in that it is
25 made up of participants entirely in the private sector,

1 and it is appointed by the Senate Rules Committee, and
2 again, we'll be working closely with them in trying to
3 provide them the information they need.

4 In the interest of setting the record
5 straight, my October 10th memo proposing the consent
6 agenda, I reported that agenda item 2 was a fiscal item
7 and that enjoyed committee consensus support. This is not
8 entirely accurate. One concept did have a dissenting vote
9 when it was discussed at the Special Waste Committee, and
10 so as a result we will be presenting this item for your
11 consideration.

12 CHAIRPERSON MOULTON-PATTERSON: What item is
13 that?

14 MR. LEARY: Agenda item 2. The thing that
15 wasn't accurate about that was the reference to consensus
16 support.

17 The Board staff did consider putting an
18 emergency agenda item seeking direction from the Board
19 about who to root for in the World Series, but we realize
20 it will be such a divisive item that we decided it
21 probably wouldn't be in our best interest.

22 BOARD MEMBER MEDINA: We're all rooting for
23 California.

24 MR. LEARY: We would just like to recommend
25 on the advice of legal counsel that you do your wagering

1 off microphone.

2 And then lastly, on a real positive note, I'd
3 like to introduce the Fire Chief from the City of Sonoma,
4 Mr. Michael Cahill, who would like to make a presentation
5 to the Board.

6 MR. CAHILL: Good morning. Thank you,
7 Mr. Leary.

8 Madam Chair, it's been about two years since
9 I was here before you dressed in the same outfit. Some of
10 your staff members told me I should come in my full chief
11 regale to make a pitch to the Board to support the City of
12 Sonoma in the cleanup of a hundred-year-old burn dump
13 site.

14 I'm here this morning to present to the Board
15 proclamation from the City of Sonoma City Council in
16 thanks for the incredible support that we got from not
17 only the Board members but also from your staff.

18 I'd like to just mention, there are a couple
19 gentlemen here this morning that really do need special
20 Board attention from the standpoint as far as the City of
21 Sonoma is concerned. Wes Mindermann was instrumental in
22 assisting us through the process here; Todd Thalhammer,
23 who was our project engineer from the start; and then
24 Tyson Lono was the project engineer who finished the site.

25 But really want to thank all of you on behalf

1 of the citizens of the City of Sonoma, all 9,265 of them,
2 for the incredible support that we got not only from the
3 state but from the federal government to clean up this
4 dump site. Thank you very much.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you and
6 thank you very much for coming in. We are really glad
7 that we could help.

8 I'd like to just echo the compliments to our
9 great staff. We really are proud of you. Thank you.

10 Okay. It's time to go on to the regular
11 agenda. That takes us to Item No. 2, I believe.
12 Mr. Leary, please correct me if I'm wrong on any of these.

13 MR. LEARY: No, I think you are right on
14 target, Madam Chair.

15 CHAIRPERSON MOULTON-PATTERSON: Okay.

16 MS. WILLD-WAGNER: Good morning, Madam Chair
17 and Board Members. I'm Shirley Willd-Wagner of the
18 Special Waste Division.

19 Item 2 was heard by both the Budget Admin
20 Committee and the Special Waste Market Development
21 Committee.

22 We're going to just do a very abbreviated
23 presentation to review with you the contract concepts that
24 were discussed at both committees and the agreement
25 reached between the two committees.

1 You will see we have the spreadsheet
2 reflecting the recommendations of the two committees up on
3 the slide show there, and we can go ahead and then look
4 for Board resolution. Kristin, if you will summarize the
5 actions taken.

6 MS. YEE: Good morning, Madam Chair, Board
7 members. You have before you the updated version, the
8 color-coded attachment 4, as well as the five options for
9 the advertisement concept. And what I would like to do is
10 go through a summary recommendation of each of the
11 committees and also say that both committees did recommend
12 table 1 for 911,000 in invoice items.

13 The first one, Contract, Concept, Coastal
14 Commission for 198,000 was recommended by both the Special
15 Waste and the Budget Committee.

16 The Used Oil forum for 65,000 was recommended
17 by both committees.

18 The Social Marketing Pilot was recommended at
19 120,000.

20 The Re-refined oil outreach, 150,000, was
21 recommended by both committees. The Re-refined Oil
22 Outreach for 150,000 was recommended by both committees.

23 Stormwater for 75,000 was recommended by both
24 committees.

25 The Grant Writing Workshop for 15,000 was

1 recommended by both committees.

2 Training for fleet managers, 80,000, was
3 recommended by both committees.

4 Evaluation of advertisement campaign for
5 100,000 was recommended by both committees.

6 Evaluation of advertisement campaign for
7 400,000, a hundred thousand was allocated to the
8 Heartland, and there was not consensus. However, 300,000
9 was agreed upon by the Committee for Special Waste to be
10 put aside contingent upon the outcome of the Office of
11 Public Affairs communication plan. The Budget Committee
12 also recommended 400,000, a hundred thousand allocated to
13 Heartland and 300,000 put aside contingent upon the
14 outcome of the communications plan.

15 Waste characterization for 75,000 was
16 recommended by both committees.

17 The Motion Picture and Entertainment Industry
18 Sustainability Project with UCLA for a hundred thousand
19 was recommended by both committees.

20 The video game development feasibility
21 analysis was not recommended by either committee.

22 However, Board Member Cannella did raise some questions,
23 and Marie Carter, the senior staff counsel, has responded
24 with a memo to each of the Board members.

25 The Buy Recycled Certification Audits for

1 50,000 was recommended by both committees.

2 Based on the Special Waste and Budget
3 Committees, a total of 1.428 million has been recommended
4 for allocation, and that leaves 240,000 left in the fund.
5 And that concludes the allocation items for the Used Oil
6 Fund.

7 And now I'd like to recommend that the Board
8 approve the proposed program allocation in table 1 and
9 consider the Special Waste and Market Development
10 Committee and the Budget Administration Committee's
11 recommendation and approve the concepts for fiscal year
12 2002-2003, as directed by the Board member and adopt
13 resolution number 2002-469.

14 CHAIRPERSON MOULTON-PATTERSON: Okay.
15 Before, if any Board members have any comments, we do have
16 speakers. Any comments before Mr. Jones?

17 BOARD MEMBER JONES: Madam Chair.

18 CHAIRPERSON MOULTON-PATTERSON: Yes.

19 BOARD MEMBER JONES: I don't know if one of
20 those speaker slips or all of them belong to John
21 Vandamme, but based on information that I had heard that
22 came out of the Admin Committee, we had the discussion on
23 the video game idea in our Special Waste Committee, and it
24 left without any recommendation. There was a question by
25 Mr. Cannella that I guess has been answered by Marie

1 Clark. Then I heard that there was some interest at
2 Budget Committee for the idea.

3 I think one of the problems with this item is
4 that they keep calling it feasibility, and I think
5 Mr. Vandam did a pretty good job in letting us know it
6 really wasn't feasibility, it was trying to figure out
7 what method would be the best method, and this is like
8 seed money.

9 Because of that interest that I heard about
10 secondhand from the Admin Committee, I asked them to come
11 up and just be available for any questions. Because I
12 think it's important that we end up trying to do something
13 with the kids in a way that would get this in the
14 classroom. So based on what I had heard at Admin -- and I
15 wasn't around; I was in another part of the state -- but
16 that's why I asked them to come.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 Okay. We have several different ones. I
19 don't believe Jan Tillman is here; is that correct?

20 Therefore, I'll call on Jim O'Donnell, KVIE
21 on California Heartland.

22 MR. O'DONNELL: Thank you, Madam Chair. Good
23 morning, Madam Chair, Board Members. My primary interest
24 was to be available to answer any questions regarding the
25 California Heartland.

1 I would like to say briefly that we have been
2 mindful of some of the questions and issues that have been
3 raised in the committee discussions that happened in the
4 last weeks, and we'll make sure that our efforts are
5 mindful of those and making the contribution of the
6 program to the efforts of the Board in spreading the waste
7 message and the recycling message carry forward a much
8 more effective way this year, and I'm ready for questions
9 if there are any. If not, I would appreciate the support.

10 CHAIRPERSON MOULTON-PATTERSON: Any
11 questions, Board members? Thank you for being here.

12 Spencer Cleveland. Green Productions,
13 Incorporated.

14 MR. CLEVELAND: Madam Chair, Board members,
15 good morning.

16 The video game industry is a \$28 billion
17 industry, and there are no significant programs in that
18 industry.

19 CHAIRPERSON MOULTON-PATTERSON: We're having
20 trouble hearing you.

21 MR. CLEVELAND: I'm sorry. The video game
22 industry is a \$28 billion industry, larger than the movie
23 industry. And within that video game industry there are
24 no significant environmental programs or computer games
25 that people can use to learn and instill value,

1 environmental values.

2 So we propose that \$40,000 as part of a
3 \$140,000 feasibility study where we can look at the market
4 and determine what type of recycling game and develop even
5 with this money a model of the recycling game upon which
6 we can then gather the funds to finish the game, which
7 would probably eventually cost \$2- to \$3 million.

8 And that's the essence of our proposal. I
9 would be happy to answer any questions that you might
10 have.

11 CHAIRPERSON MOULTON-PATTERSON: Any
12 questions?

13 We appreciate very much your being here and
14 explaining that to us. Thank you.

15 MR. CLEVELAND: Thank you.

16 CHAIRPERSON MOULTON-PATTERSON: And that
17 concludes our speakers. Mr. Paparian.

18 BOARD MEMBER PAPARIAN: On that last item,
19 I'm torn because I really like the concept that's been
20 presented. I'm still not feeling comfortable that it's
21 the best use of state funds to invest in this project in
22 this way. I need a little more convincing on that and I
23 think a little more understanding about how it really fits
24 into our overall education efforts.

25 We have been pushing Mr. Simpson to have kind

1 of an integrated public affairs program, and I think
2 Miss Broddrick has been moving in that direction with the
3 education program. And in order for me to be ready to
4 vote for this, I need to kind of overcome my angst about
5 the state money as well as my feeling like it should be
6 part of an overall education program for the Board.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mr. Medina.

9 BOARD MEMBER MEDINA: Madam Chair, I concur
10 with Board Member Paparian. I think that we need more
11 time to look at this video concept. There was interest
12 among the Board members. However, I think overall the
13 sentiment was that we need to give ourselves more time to
14 look at this.

15 CHAIRPERSON MOULTON-PATTERSON: Okay.

16 BOARD MEMBER JONES: Madam Chair.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: Would there be an
19 opportunity under that \$400,000 that we're going to set
20 aside that this could be funded through that as questions
21 got answered?

22 BOARD MEMBER PAPARIAN: I think, Mr. Jones,
23 there is money left over in the used oil allocation.
24 Could probably seek a reallocation rather than take it out
25 of the Public Affairs budget.

1 BOARD MEMBER JONES: Because my concern is
2 that when this process -- when we started educating kids
3 in schools in 1989 about recycling, there was a large
4 effort in trying to educate the kids because everybody
5 believed in this new law and things like that. I have
6 seen that every year erode, and it's pretty scary in some
7 of the conversations that you have with people, they are
8 really honest about it, about just how much effort -- or
9 how much time is actually spent on some of these programs.

10 For us, we're around it every day. Our staff
11 is around it every day. It is our number one priority.

12 But when we go out into other areas, it's not
13 their number one priority. And it is our job to try to
14 find the pieces that will help keep it on the forefront,
15 and I know that's the hope of all the members.

16 But I think that the idea that we have to do
17 our programs or we have to do recycling because it's the
18 right thing to do, that argument went away four years ago,
19 five years ago. I mean, we're now changing to where we
20 have got to make fiscal sense, show opportunities to
21 businesses, show opportunities to cities, so that they can
22 start using the infrastructure that we used and it makes
23 business sense and we end up getting what we all hope.

24 I mean, when you look at our dedication to
25 insisting that all government agencies buy recycled paper,

1 the recycled paper that is generated in one plant in 17
2 days of full production can fulfill every need of every
3 government agency in the United States. Seventeen days.
4 That means we have got to keep -- start generating market
5 development that takes care of those other 339 days, and
6 it's -- we're not going to get there. All these people
7 that collect this stuff and try to find markets for it are
8 scrambling like heck.

9 So I would hope that our Public Affairs
10 Division, if in fact we're going to put the burden on
11 them, really works with these people to find out a new
12 tool. Because otherwise we're kidding ourselves. I mean,
13 we are kidding ourselves if we think that telling the
14 federal government to buy paper is going to solve our
15 problem when that whole run of one plant can take care of
16 every need in the whole federal government in 17 days.

17 We got to start putting this stuff in
18 perspective of what it really is that we're trying to do,
19 and it better be market development because otherwise all
20 the collection infrastructure goes away. So I would hope
21 that these kinds of tools can be embraced.

22 I'm not sure if these are the right guys to
23 do it. I think they are.

24 But we have got to stop -- I mean, we have to
25 really start getting into cutting to the quick and

1 figuring out ways to get this message out in a way that
2 triggers what was triggered in 1989, in 1980's, '79. Then
3 we had barges going around looking for landfills, and we
4 didn't have anyplace to put it. That's why people got
5 excited.

6 We have got to find -- there ain't going to
7 be another barge. So we got to start finding some
8 methods. So I would hope that we would keep this on the
9 burner.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you,
11 Mr. Jones.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Thank you, Madam
14 Chair.

15 I agree with just about everything you just
16 said. I think that our staff has been working with these
17 folks in a lot of the technical aspects of development of
18 this video game, and I think that's wonderful. I think
19 that's something that we ought to do. It's something that
20 we ought to be engaged in as people come forward with
21 ideas like this.

22 My concern simply revolves around whether
23 it's appropriate for us to invest money at this stage in
24 the process and whether this fits into our overall
25 education efforts. I think we need to reach out a whole

1 lot more in the education arena. I just want to make sure
2 that our investments in that area are as good as they can
3 be and they fit in some sort of well coordinated and well
4 planned strategy.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you,
6 Mr. Paparian.

7 Mr. Medina.

8 BOARD MEMBER MEDINA: Madam Chair, there was
9 100 percent agreement between the Special Waste Committee
10 and the Budget Committee regarding the funding priorities.
11 There was no consensus in regard to the video game. So at
12 this time I would like to move forward with resolution
13 2002-469 revised.

14 BOARD MEMBER JONES: I'll second.

15 CHAIRPERSON MOULTON-PATTERSON: Questions,
16 Mr. Jones?

17 BOARD MEMBER JONES: Just quickly, Madam
18 Chair.

19 Does that include the full funding for
20 California Heartland? Because we have got that contract
21 coming up.

22 BOARD MEMBER MEDINA: The California
23 Heartland for \$100,000.

24 BOARD MEMBER JONES: Okay.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 So we have a motion by Mr. Medina, seconded by Mr. Jones,
2 to approve Resolution 2002-469 revised. Please call the
3 roll.

4 SECRETARY WADDELL:

5 MR. JONES: Aye.

MR. MEDINA: Aye.

6 MR. PAPARIAN: Aye.

MS. MOULTON-PATTERSON: Aye.

7
8 MS. WILLD-WAGNER: That brings us to item 6.
9 However, I must apologize. I did not allow Mr. Jones the
10 opportunity as the Chair of our Special Waste Committee to
11 give a summary of the committee before I launched right
12 in. Overanxious to jump into item number 2.

13 BOARD MEMBER JONES: We only have two items.

14 CHAIRPERSON MOULTON-PATTERSON: Sorry,
15 Mr. Jones. I forgot also.

16 BOARD MEMBER JONES: Not a problem. Just on
17 a couple of our consent -- one of our consent items was
18 the scoring criteria for the use of oil nonprofit. That
19 was unanimous, and we have approved that on consent.

20 Our fiscal consensus, one of our items is
21 going to be on the waste tire program grants. We gave
22 direction on revising the waste tire facility and
23 permitting and storage regs, as well as on the manifest
24 reg direction.

25 In committee I talked to the members about

1 adding a placard that could be part of the package for a
2 new -- I mean for a registered hauler so that when they
3 have an emergency, they can use that placard when they
4 rent a truck, and then they will fax us a form.

5 Staff has come up with some language that
6 looks good, and it takes that six to ten day, or even
7 sometimes one day -- I mean, our staff works really hard
8 to help these people, but when a truck breaks down, you
9 have to go pick up tires, you have to rent a truck. There
10 was consensus on the committee that something like that
11 would work. So I feel good that our staff came up with
12 something that is very workable.

13 We will hear the BAS waste tire storage
14 permit. There was no vote on that. It moved to the full
15 Board.

16 The energy recovery grant with some research
17 on delivery will go forward to the Board on a three to
18 one. And then that would be it on the Special Waste.

19 On Waste Prevention, we have fiscal consensus
20 on the Epic loan. We also put on consent the WRAP
21 winners, and we congratulate them. The appointment of a
22 new loan committee member.

23 And I can't even read my own notes. That's
24 enough, though.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you,

1 Mr. Jones.

2 Item No. 6.

3 MS. WILLD-WAGNER: Item No. 6, this is the
4 consideration of scoring criteria and evaluation process
5 for the energy recovery from tires grant program fiscal
6 year 2002-2003. As Mr. Jones mentioned, this item was
7 heard in the committee. Questions were raised, and it is
8 being brought to the full Board for discussion and
9 consideration. And Mr. Gauff will make the presentation.

10 MR. GAUFF: Good morning, Madam Chair and
11 Board Members. I'm Nate Gauff of the Special Waste
12 Division.

13 The energy recovery from tires grant program
14 is aimed at funding projects that will involve applied
15 research in the field at coal-fired facilities. This
16 program is very similar to the two grants that the Board
17 funded in May of 2002, with the fiscal year 2001-2002
18 allocation, and for 2002-2003, there is a million dollars
19 available for funding this program.

20 Staff is proposing that the grants be a
21 maximum of \$250,000, with a required 50 percent match by
22 the grant awardee. The criteria includes all the standard
23 Board criteria.

24 In the program criteria section we have 20
25 points for the type of project, which once again

1 encompasses the type of research that will be undertaken
2 with the project; 15 percent -- I'm sorry, 15 points will
3 be allocated to the number of tires diverted by the
4 project, and five points will be awarded based on if the
5 project is a new technology or an innovative process or
6 methodology for the project.

7 Staff recommends that the Board adopt
8 Resolution 2002-569. Are there any questions?

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Thank you, Madam
11 Chair.

12 I'm the one who raised some questions in the
13 committee about this, and I recognize that I was the sole
14 dissenting vote. There was a three-one vote coming out of
15 the committee. But I do want to raise some questions
16 because I think it is important as we --

17 CHAIRPERSON MOULTON-PATTERSON: And we do
18 have a speaker also. Did you want to hear from the
19 speaker first or were they staff questions mainly?

20 BOARD MEMBER PAPARIAN: You can go ahead with
21 the speaker. I'll hold off until after the speaker.

22 CHAIRPERSON MOULTON-PATTERSON: I will be
23 holding the roll open for Mr. Eaton in case he gets back.

24 Randall Ward, Cogeneration Association
25 Council.

1 MR. WARD: Madam Chair and Board members, I
2 represent the Cogeneration Ash Council, which is
3 cogeneration facilities --

4 CHAIRPERSON MOULTON-PATTERSON: Sorry.

5 MR. WARD: -- from Bakersfield through
6 Stockton. I think most of you have seen or toured these
7 facilities at one point or another throughout the last
8 couple of years.

9 The Board, as you are aware, spent a sizeable
10 amount of money along with the joint San Joaquin Unified
11 Air Quality Management District, to do exhaustive air
12 quality studies regarding the utilization of tire-derived
13 fuel. I say tire-derived fuel because incineration has
14 been used many times in front of this Board, and it causes
15 certainly my board and myself great heartburn. These
16 tires are high Btu content.

17 They are very competitive with other fuels
18 and extremely clean. Those of you that have toured the
19 facility recognize that I think the emissions from the
20 facility on a 24-hour basis generate the emissions, the
21 same emissions as two passenger car equivalents. So it is
22 extremely clean burning technology.

23 I would also remind the Board that the ash
24 that is produced from -- the residual ash that is produced
25 from the process is a hundred percent beneficially used.

1 And some of you have also had the opportunity to tour
2 dairy farms where it's used in a jelled state to deal with
3 migration of fluids, and it's supported significantly by
4 regional water quality control boards in the valley, as
5 well as soil enhancements in fruit orchards and a variety
6 of other applications that we're continuing to work on.

7 We support the staff effort. We think the
8 innovative process research component is something that
9 will be very effective as well in motivating these
10 facilities to do the kinds of things that we will find in
11 the best interests of the State of California. Thank you
12 very much.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you for
14 being here.

15 Mr. Paparian.

16 BOARD MEMBER PAPARIAN: Thank you. Again,
17 Madam Chair, I recognize that we came out of the committee
18 with a three-one vote. What I want to do is try to get a
19 little more information about how we got to where we are
20 with this proposal in the context of the five-year plan.

21 We have had a lot of legislative scrutiny of
22 our tire program. I mentioned before, I met with the
23 Senate committee that's looking into the, potentially
24 looking into the five-year program, the tire program.

25 We're revising the five-year tire plan. I

1 really want to make sure that the direction we give in the
2 next version of the five-year tire plan is commonly
3 understood by all of us and that we move forward in that
4 direction, or if we decide to deviate from that, we're
5 very explicit about why we're deviating from the five-year
6 plan and how we're deviating from it.

7 So what I did, Madam Chair, was highlighted
8 some sections out of the five-year plan. I think we all
9 have it up here. I wanted to go through that, again to
10 try to get an understanding of how what I thought was
11 direction in the five-year plan seems to have been changed
12 at some point along the way.

13 In the research section in the five-year
14 plan, and I have highlighted it, the first highlighted
15 section talks about the recommendations from the 117
16 report. And basically the 117 report had, and actually
17 the description of it, our five-year tire plan says that
18 this program will focus on developing new and promoting
19 existing end use applications for waste tires.

20 Then refers to the 117 report which had two
21 recommendations. One was forming a partnership with tire
22 manufacturers to explore the development of higher recycle
23 content tires. And the second is to partner with industry
24 segments to assist in examining the environmental aspects
25 at sites engaged in energy recovery.

1 Then if you go to the next page, where it
2 talks about the plan, we have two objectives in the plan.
3 One is to support the development of markets for waste
4 tires, and the second is to establish an effective peer
5 review system that objectively and independently evaluates
6 research conducted.

7 Under our program activities it is clear that
8 the staff is going to attempt to utilize neutral third
9 party peer review resources when appropriate and
10 available.

11 Then when you go to the actual description of
12 the item before us today, the description from the
13 five-year tire plan, it said very clearly that the
14 following projects and activities are proposed to address
15 recommendation 20 from the AB-117 report. Then in the
16 energy recovery from tire item, it goes into a list of
17 activities that might be included in the research that's
18 conducted: emission and ash testing, fuel feed system
19 development, fuel sizing analysis, et cetera.

20 Then the last thing I want to point to, since
21 the 117 report is referenced several times, and this is
22 supposed to be implementation of the 117 report, I
23 excerpted or actually included recommendation 20 from the
24 117 report on the last page. That recommendation says:
25 "The Board should continue to provide technical

1 information on tire uses as an energy source, and if
2 requested, to partner with interested industry segments to
3 assist in examining environmental aspects, air emissions
4 and ash characteristics at specific sites." And this is
5 to be accomplished through a laboratory services contract.

6 So what I'm concerned about is that
7 throughout, it seemed that there was an emphasis on
8 environmental aspects in our five-year plan and in the 117
9 report. Yet when you look at the scoring criteria in this
10 grant, the environmental aspects -- in fact, some of the
11 environmental aspects aren't even included. But you have
12 ash or emission testing only getting five points, whereas
13 more of the product commercialization stuff gets much
14 higher points in the criteria.

15 So I'm wondering, how did we shift from the
16 emphasis on environmental aspects to the emphasis on
17 something else in this item?

18 MS. BILDART: Well, I don't believe there was
19 such a shift, and it certainly wasn't intended if it has
20 crept into any of the recommendations staff has made.
21 These facilities are existing facilities. The best way to
22 expand and improve an existing technology is to do the
23 work in the field in each unique combustion system.

24 The proposal is to look at the configuration
25 of that system, the fuel feed, the results of adding tires

1 to the coal fuels, and testing the ashes and emissions
2 created during that process. It is our belief that these
3 systems can collect the information necessary to show that
4 they meet all existing permits and standards. If not,
5 then there may be a need to review and revise some of
6 those techniques, and we believe that would form the basis
7 of a good research project.

8 The coal-fired systems, while they share --
9 the coal-fired cogeneration plants share a technology,
10 it's a fluidized bed combustion which burns a very finely
11 ground coal in a high excess air system achieving very
12 thorough combustion. Adding tires into that mix, while
13 there may be some similarities from one system to the
14 next, each one needs to be examined for how the larger
15 particles of tires will actually perform in that system,
16 what form of combustion will occur, at what point will
17 heavy metals or condensates form on particulate matter,
18 how do the bag houses and scrubbers remove those, how does
19 it affect fly ash versus bottom ash.

20 We feel that the best way to test and
21 research this technology is in field applications at the
22 full scale. We think this serves the environmental needs
23 of the Board.

24 BOARD MEMBER PAPARIAN: What you just
25 described seems different than the -- you were describing

1 looking at the air emission impacts. That seems different
2 from what would get 20 points here.

3 MS. BILDART: In any system that adds a new
4 fuel, there will be requirements to do emissions testing
5 by the local air pollution control district. So those
6 data will be collected whether or not we directly fund
7 them.

8 BOARD MEMBER PAPARIAN: But our funding, as I
9 read the 117 report and the five-year tire plan, was
10 supposed to be directed toward these environmental
11 aspects, with a component of third-party peer review of
12 the project development and project analysis.

13 BOARD MEMBER JONES: Can I ask a question of
14 Mr. Paparian, Madam Chair?

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones has
16 a question.

17 BOARD MEMBER JONES: Your statement is that
18 we have changed from the direction of the plan, which I'm
19 having a hard time with because I was here for AB-117 and
20 I was here for SB 876, and I don't detect that change.
21 But my question is: Define environmental. I mean, you're
22 telling me environmental issues.

23 Part of the feed system and those types of
24 things are going to have an impact on environmental
25 outcomes. But I'm having a hard time understanding how

1 you are categorizing environmental. What exactly is it
2 you think we should be doing?

3 BOARD MEMBER PAPARIAN: I'll give you
4 something very specific. If you turn to the last page of
5 what I handed out, turn to the last page of what I handed
6 out, the excerpt from the 117 report. If you look there
7 in the parenthesis, next to Environmental Aspects, it says
8 Air Emissions and Ash Characteristics.

9 BOARD MEMBER JONES: Right. If requested
10 that we would do that. We have done studies on air
11 emissions, and we have done studies on ash
12 characteristics.

13 BOARD MEMBER PAPARIAN: Then we may not need
14 this money if we have done this.

15 BOARD MEMBER JONES: But we haven't spent
16 money on fuel feed systems as much. That was part of the
17 intent of AB-117 as well as SB 876 was to put money in,
18 and that's in your first page of these excerpts.

19 BOARD MEMBER PAPARIAN: I don't read that in
20 the recommendations of 117. If somebody wants to provide
21 me with the recommendation of 117 that talks about that,
22 I'd be happy to look at it.

23 BOARD MEMBER JONES: Well, under your
24 recommendations from AB 117, tire research, you say,
25 "Partner with industry to assist in examining the

1 environmental aspects engaged in energy recovery." That's
2 a whole lot more than just air and ash. That's how fast
3 you feed the feed stock of material, because it does have
4 a direct correlation to the temperature the stuff is
5 burned at, the cleaner burn of other materials that are in
6 there. Remember, this is an augmentation to a coal fuel
7 source usually in the range of 10 percent, 10 to 12
8 percent. And it affects the burn.

9 BOARD MEMBER PAPARIAN: So let's look at the
10 air emissions from --

11 BOARD MEMBER JONES: That's not what that is
12 asking for. That is asking for the fuel delivery.

13 BOARD MEMBER PAPARIAN: What's asking for the
14 fuel delivery?

15 BOARD MEMBER JONES: The commercialization
16 grant is going to make a whole lot of things affordable.
17 I mean reasonable. It may be the delivery of product, but
18 it may also be -- are they restricted to just the delivery
19 of product?

20 MS. BILDART: There are three categories in
21 the grant. One is the type of fuel feed and system.
22 That's a combination of whether it's a two inch chip
23 that's clean with no metal protruding or whether you can
24 take some metal or a smaller or larger size. There is the
25 actual delivery system into the existing coal combustor.

1 There is the rate of feed. There is ash and emissions
2 testing.

3 So we were willing to have them look at that
4 whole spectrum. It's quite likely that the grant
5 applications will address more than one point. It may not
6 be just a single system. As I said, for any of these
7 systems to be able to incorporate tire fuel, they will be
8 required to do emissions testing.

9 BOARD MEMBER PAPARIAN: But it doesn't say
10 that here. I don't read that here.

11 Also, Mr. Jones, what you just said actually
12 gets to the heart of my concern. You referred to this as
13 a commercialization grant.

14 BOARD MEMBER JONES: Right.

15 BOARD MEMBER PAPARIAN: I'm concerned that
16 this research grant with research into environmental
17 analysis and peer review has more from a research grant to
18 a commercialization grant. I think what's in this agenda
19 item is more like a commercialization grant than a
20 research grant as was envisioned in the five-year plan.
21 That's why I'm trying to get a better understanding so
22 that we can be clearer as to what's what and what we're
23 trying to fund in the next version of the five-year tire
24 plan.

25 BOARD MEMBER JONES: But we're required --

1 but the next version of the five-year tire plan is not
2 this commercial -- is not this research grant. This
3 research grant is from the already approved five-year
4 plan, not the one that we're going to be updating.

5 But the research and development, part of
6 that condition is that they share the information that
7 they learn. When we did a tire commercialization grant,
8 there were these types of projects in it that got thrown
9 out.

10 So you know, I think you are mixing apples
11 and oranges. You are going to get a result which the
12 Board voted on, which is -- or which the Board had
13 directed, which was to get information.

14 BOARD MEMBER PAPARIAN: Let me just ask this
15 question then. Will there be third-party peer review of
16 the research that's conducted under these grants?

17 MS. BILDART: Perhaps Mr. Ward would be
18 willing to speak to that.

19 Our intent at the staff level was to have the
20 final reports that contained information on the
21 performance of the system and any emissions or ash testing
22 that was done reviewed by the peers, i.e., the other
23 combustion operators, the other co-gen plant operators
24 with similar technologies. We have done that with the two
25 facilities this Board has already been involved with in

1 testing, the Stockton products -- the Stockton air
2 products facility and the Jackson Valley facility which
3 has since closed. We are intending to have those
4 individuals look at the data.

5 BOARD MEMBER PAPARIAN: Have you talked with
6 either OEHHA or the Air Resources Board with regards to
7 how they would do peer review on something involving air
8 quality?

9 MS. BILDART: Air Resources Board did review
10 the data from the two tests that this Board sponsored a
11 couple of years ago.

12 BOARD MEMBER PAPARIAN: That is not my
13 question, though.

14 MS. BILDART: We would be working with them
15 in the future on all these issues. We work closely with
16 them.

17 BOARD MEMBER PAPARIAN: That is not my
18 question, though. I think that the Air Resources Board in
19 conducting third-party peer review of information like
20 this would conduct it in a much different way than you
21 just described. You described the peers being other
22 industry segments. I don't think the Air Resources Board
23 would look to say peer review of a test burn at the
24 Chevron facility being peer reviewed by Mobile and Unocal
25 and other oil companies. They would look to academic

1 experts in the area.

2 MS. BILDART: Actually I believe they would
3 have the expertise in-house. However, this is not a
4 regulatory issue. If these systems meet the permit
5 requirements of the local air quality management
6 districts, the Air Board does not have a role. They do
7 not issue permits. That's a local activity.

8 BOARD MEMBER PAPARIAN: They do conduct
9 research, though. And what these grants are supposed to
10 be is not product commercialization. They are supposed to
11 be research.

12 MS. BILDART: The Air Board can certainly
13 review any data that come out of these tests. The
14 decision, as I said, is a local one. The Air Board has in
15 the past reviewed all these sites, reviewed all the test
16 data, and has fully supported the Board's existing
17 position of supporting tire as fuel use.

18 MS. WILLD-WAGNER: Let me just add one other
19 clarification to your point. The item before you is being
20 written as most grant items are for scoring criteria and
21 evaluation process. We don't usually go into many of the
22 requirements that we place on grantees in the
23 implementation of their grant. Those are usually covered
24 through communication with the grantees and in the
25 procedures and requirements.

1 Some of those requirements, if we wanted to
2 build in some additional peer review requirements, we
3 would do so in the procedures and requirements rather than
4 in the grant criteria. Really this item was just to focus
5 on whether or not these criteria will be bringing out the
6 types of projects that the Board wants as an outcome.

7 So we could try to address some of those
8 other issues for you in the procedures and requirements.

9 BOARD MEMBER PAPARIAN: Let me ask another
10 follow-up. When the five-year tire plan talks about staff
11 making every attempt to utilize neutral third-party peer
12 review, Martha, in your mind, neutral would include these
13 other companies?

14 MS. BILDART: I believe people who are
15 familiar with the operations, the technology, and the
16 science behind it would be able to review these materials
17 the most accurately. Obviously, we will have
18 participation of the local air districts, and if it is the
19 wish of the Board, we can request both the AWEHA and the
20 Air Resources Board to look it over. I think that would
21 be a very comprehensive peer review group.

22 BOARD MEMBER PAPARIAN: Because when I think
23 of neutral, I think of people without a financial stake in
24 the industry in some way. It seems like you think it is
25 something different. And this will help me in the next

1 five-year plan to make sure we're clear when we talk about
2 neutral, what that means. To me, it means obviously
3 something different than what it means to you.

4 MS. BILDART: To me I see them as somewhat
5 being competitors and may even want to shoot each other
6 down. How involved are they in each other's permitting
7 systems?

8 BOARD MEMBER PAPARIAN: To me that is not
9 neutral.

10 MS. BILDART: I think there is a balance. I
11 think these are the people who know the operation of the
12 system, they know the technology, they could catch any
13 errors in the descriptions or write-ups.

14 I think perhaps they do have a common
15 interest to see the systems work, but at the same time I
16 believe there is not going to be sufficient fuel supply
17 for all the facilities, and if this becomes financially
18 attractive to them, there may be then some competition.
19 So I think the competing interests sort of balance each
20 other out, and I certainly think the knowledge is greatest
21 within the industry.

22 BOARD MEMBER PAPARIAN: I'd like to -- I
23 think again for the help with the next five-year tire
24 plan, I know we have been working with AWEHA on a lot of
25 stuff, maybe we could ask them to help us figure out how

1 to define neutral third-party peer review. So again, we
2 can get at a common definition here.

3 What I thought was neutral third-party peer
4 review and when I signed off on the five-year tire plan is
5 obviously something different in its implementation here.

6 CHAIRPERSON MOULTON-PATTERSON: I just want
7 to say, I certainly agree with you on that point,
8 Mr. Paparian. Neutral to me would seem someone that
9 wouldn't have a financial interest.

10 BOARD MEMBER PAPARIAN: I think as we -- one
11 of the things that's come up in the five-year tire plan
12 workshops is whether we want to include a heftier research
13 budget than was originally envisioned for several years
14 from now. And I certainly support more research dollars,
15 but I think if we are successful, if I'm successful in
16 pursuing more research dollars in the future, I think it
17 is going to be very important to make sure we understand
18 how that research is going to be conducted and we have a
19 common understanding of that.

20 The development -- so basically we're going
21 to be going out with a proposal, we're going to ask people
22 for proposals rather, of up to \$250,000 that we would give
23 to them to do research. Other than the scoring criteria,
24 do we know what kind of research we think is needed in
25 this area?

1 MR. GAUFF: Let me interject on that. This
2 criteria was developed in consultation with the industry.
3 We did ask industry before the criteria was developed,
4 where did they feel the research dollars were needed to
5 effectively help their industry. And we did talk with
6 industry, talk with Mr. Ward, talk with some industry
7 people. This was not developed in a vacuum.

8 I think that's why the fuel feed system
9 development got the highest point weighting within the
10 criteria, because that is where they felt the biggest need
11 was. As Martha mentioned, we have done a number of
12 emissions tests in the past, and that's why it wasn't
13 excluded but it was weighted less in the criteria.

14 BOARD MEMBER PAPARIAN: So as I read the
15 five-year tire plan, there was no weighting of these
16 issues. So after consultation with the folks who might
17 receive the grants, that's how the weighting determination
18 was made.

19 MR. GAUFF: Yes. We polled the industry to
20 get their input on this.

21 MS. BILDART: As well as the Board members,
22 and the grant offering, the cycle from last year, these
23 are similar. We slightly adjusted the points between that
24 one and this one and added at Board direction the five
25 points for an innovative technology.

1 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian,
2 I'm sorry to interrupt in the middle of an item, but we
3 really need to take a break right now. So we will
4 continue because I know you have other comments and
5 questions.

6 So we will take a 10-minute break at this
7 time

8 (Recess taken at 11:05 a.m.)

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1 SACRAMENTO, CALIFORNIA, TUESDAY, OCTOBER 15, 2002

2 11:18 A.M.

3 -oOo-

4 (Board Member Eaton now present.)

5 CHAIRPERSON MOULTON-PATTERSON: I'd like to
6 call the meeting back to order. We're missing Mr. Jones,
7 be we'll probably go ahead and start.

8 Mr. Paparian had questions. But let's do ex
9 partes first. Mr. Eaton.

10 BOARD MEMBER EATON: Just a quick hello to
11 George Larsen as I was walking in.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you. I
13 had none.

14 Mr. Medina.

15 BOARD MEMBER MEDINA: None to report.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

17 BOARD MEMBER PAPARIAN: I just had a
18 conversation with Randy Ward about this item we're talking
19 about.

20 CHAIRPERSON MOULTON-PATTERSON: Okay, great.
21 I know you had the floor Mr. Paparian. However,
22 Miss Willd-Wagner says she had some proposed changes. And
23 do you want her to go over those and see if they might
24 answer some of your questions and then we will come back
25 to you?

1 BOARD MEMBER PAPARIAN: Sure.

2 MS. WILLD-WAGNER: Thank you, Madam Chair.

3 We met during the break, and we have come up
4 with a couple of ideas that might help answer some of your
5 questions, Mr. Paparian. We could first of all add to the
6 resolution a resolved clause that would direct the grants
7 that are awarded to have an independent third-party peer
8 review and recognize that independent, by independent we
9 mean those who do not have a financial concern with the
10 technology, and then also we wanted to propose some
11 wording to the criteria itself, and Martha Bildart has
12 that language to read.

13 MS. BILDART: What we're proposing is to
14 change the criterion on type of project to read:
15 "Research into in-field application of tire fuel
16 supplements to meet or improve operational and
17 environmental standards in: fuel feed system or process
18 development, 20 points; analysis and optimization of fuel
19 sizing, 10 points; or ash or emissions testing, five
20 points."

21 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones,
22 any ex partes?

23 BOARD MEMBER JONES: John Cupps.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.

25 Mr. Paparian.

1 BOARD MEMBER PAPARIAN: I'll just ask one
2 more question and then I'll be done.

3 CHAIRPERSON MOULTON-PATTERSON: Okay.

4 BOARD MEMBER PAPARIAN: The 117 report is
5 referred to several times in the research section of the
6 five-year plan, and it's recommendation 20 from the 117
7 report. When you look at recommendation 20, it suggests
8 that the research that's conducted related to these energy
9 facilities will be accomplished through a laboratory
10 services contract.

11 But I'm just wondering, is there any intent
12 to pursue laboratory services contracts either for this
13 item or for any future items related to the use of tires
14 for energy?

15 MS. BILDART: In past years the Board had an
16 ongoing contract with the laboratory that had been
17 approved as able to provide certain as-needed testing and
18 monitoring capabilities. The idea was that if something
19 came up rather unexpectedly, we could call on that
20 contract to help us through that event. That concept did
21 not get funded in the five-year plan.

22 BOARD MEMBER PAPARIAN: So the reference to a
23 laboratory services contract in recommendation 20 -- well,
24 I won't get into that. We will get into that in the
25 revision of the five-year plan.

1 So, Madam Chair, I appreciate the efforts of
2 staff to try to address some of the concerns on the break,
3 but I'm still not ready to vote for this item. So I won't
4 be voting in favor of this item at this time.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you. I
6 think you brought up some very good points. Thank you.

7 Mr. Eaton, did you have any comments?

8 BOARD MEMBER EATON: No.

9 CHAIRPERSON MOULTON-PATTERSON: Is there a
10 motion?

11 BOARD MEMBER JONES: Madam Chair, I
12 appreciate Mr. Paparian's concerns, and I think working
13 through the revision of the five-year plan, maybe we can
14 take some into consideration or take them all into
15 consideration and see what we can do. But clearly, I
16 remember when we started AB-117 and one of the goals was
17 to stop landfilling tires, and it was through an
18 integrated system, and this is an integral part of that
19 system. Hopefully we get to the point some day where
20 we're not landfilling tires because we will have enough
21 markets to deal with 34 million tires and the flow.

22 Based on that comment I'm going to move
23 adoption of Resolution 2002-569, consideration of the
24 scoring criteria and evaluation process for the energy
25 recovery from tire grant program fiscal year 2002/2003, as

1 revised by staff.

2 BOARD MEMBER MEDINA: Second.

3 CHAIRPERSON MOULTON-PATTERSON: We have a
4 motion by Mr. Jones, seconded by Mr. Medina, to approve
5 Resolution 2002-569 as revised by staff. Please call the
6 roll.

7 SECRETARY WADDELL:

MR. EATON: Aye.

8 MR. JONES: Aye.

MR. MEDINA: Aye.

9 MR. PAPARIAN: No.

MS. MOULTON-PATTERSON: Aye.

10

11 CHAIRPERSON MOULTON-PATTERSON: That takes us
12 to number 7. I realized I gave Mr. Jones a chance to
13 speak to these items. Some of these Budget Committee also
14 heard. Did you have anything that you wanted to say on
15 these items, Mr. Medina, or did you just want to go along
16 with the -- as we do each item?

17 BOARD MEMBER MEDINA: Well, as we got to the
18 Budget and Admin Committee, I was going to make a report
19 and just briefly say that we heard, at the Budget and
20 Admin Committee we heard item 2, the used oil fund, which
21 has already been decided here this morning. We heard the
22 number 7, the waste tire playground cover grant program,
23 the number 11, the recycling market development revolving
24 loan program, application for Epic Plastics, number 23,
25 grant awards for the farm and ranch solid waste cleanup

1 program.

2 We had presentations. We adopted the reports
3 of the Legislature on the integrated waste management
4 grant program. We also heard a presentation regarding the
5 automatic grants management system. We had a presentation
6 made by the Office of Organizational Effectiveness. And
7 those were the items that were heard before the Budget and
8 Admin Committee.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you,
10 Mr. Medina. Okay, we'll go on to Item No. 7.

11 MS. WILLD-WAGNER: Item No. 7 is
12 consideration of grant awards for the waste tire
13 playground cover grant program for fiscal year 2002/2003.
14 This item was heard by both committees, and the
15 recommendation is the award of all 31 passing applications
16 with Resolution 2002-570.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: Okay. I'm sorry. I'll
19 move adoption of Resolution 2002-570 revised,
20 consideration of grant awards for the waste tire
21 playground cover grant program for fiscal year 2002-2003.

22 BOARD MEMBER PAPARIAN: Second.

23 CHAIRPERSON MOULTON-PATTERSON: We have a
24 motion by Mr. Jones, seconded by Mr. Paparian. And what
25 was the resolution number?

1 BOARD MEMBER JONES: 2002-570 revised.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Please call the roll.

4 SECRETARY WADDELL:

5 MR. EATON: Aye.

MR. JONES: Aye.

6 MR. MEDINA: Aye.

MR. PAPARIAN: Aye.

7 MS. MOULTON-PATTERSON: Aye.

8 CHAIRPERSON MOULTON-PATTERSON: Excuse me. I

9 do have it. Thank you.

10 Mr. Eaton.

11 BOARD MEMBER EATON: Just as a point of
12 reference, nothing on the item 7, the playground, just
13 note that at least if we could have in the future -- and I
14 don't know if we have approved the criteria for this, for
15 the upcoming year. We have, or are we about to?

16 MS. WILLD-WAGNER: We will approve that in
17 March.

18 BOARD MEMBER EATON: Just note that if you
19 will look at criteria 9, which is prior waste tire, if you
20 remember a month or two ago we had a situation where a
21 public entity, we included if it was like one school
22 district, that the school district wouldn't be excluded,
23 for instance, the larger school districts. Just as a note
24 that this was done prior to that, but maybe in the future
25 that we will make sure that the public entity includes a

1 larger area, that they would not be excluded from the
2 points because it would be the individual --

3 MS. WILLD-WAGNER: The individual site I
4 think they call it.

5 BOARD MEMBER EATON: Site perhaps. Just as a
6 thing for the future.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you for
8 bringing that up, Mr. Eaton.

9 Number 8.

10 MS. WILLD-WAGNER: Yes. Item No. 8 is the
11 consideration of renewal and issuance of a major waste
12 tire facility permit for BAS Recycling in San Bernardino
13 County. This item was heard by the committee and was to
14 be brought forward. A couple of issues were raised.
15 Terry Smith will make the presentation.

16 MR. SMITH: Good morning, Madam Chair, Board
17 members.

18 CHAIRPERSON MOULTON-PATTERSON: Good morning.

19 MR. SMITH: BAS has been processing tires in
20 Southern California since the early '90s. Tires processed
21 at the facility include both passenger tires and truck
22 tires that are received from various points throughout
23 Southern California. Tires arriving at the site are
24 sorted and graded. Tires that can't be resold are
25 processed into chrome rubber which is sold in bulk form or

1 made to make molded rubber products. BAS processes
2 approximately two million waste tires a year.

3 The Board approved and issued a major waste
4 tire facility permit to BAS in February of 1998. The
5 permit allows the storage of up to 800 tons of whole tires
6 or tire equivalents on 4.3 acres.

7 Waste tire facility permits expire five years
8 after the date of issuance unless they are renewed. To
9 prevent the permit from expiration, BAS has submitted an
10 application to renew their permit. No changes with the
11 exception of an improved waste tire storage plan have been
12 proposed.

13 The site history section of this item
14 summarizes the operator's waste tire storage violation and
15 the Board's subsequent enforcement actions. To eliminate
16 their violation problems, BAS worked with our enforcement
17 staff and the local fire department to develop a more
18 effective waste tire storage plan. BAS has also hired a
19 site foreman to oversee daily operations in hopes of
20 preventing further violations.

21 BAS's most recent inspections have verified
22 the success of these efforts, as no violations were cited
23 during the last three inspections.

24 BAS has had chronic waste tire storage
25 violations at their facility in the past, and in response

1 to those violations, staff has aggressively taken
2 enforcement action. We used our enforcement tools, we
3 documented the violations, prepared cleanup and abatement
4 orders and the administrative complaint that led to
5 hearings and eventually fines.

6 The last three inspections of the facility
7 show a positive reaction on the operator's part to the
8 Board's enforcement program. BAS's current compliance is
9 evidence of our enforcement program's success. BAS is an
10 example of how permitting and enforcement can work
11 together to bring a once noncompliant facility into
12 compliance.

13 To date the Board has invested a considerable
14 amount of money into this recycling facility. Over the
15 years the Board has awarded grants totalling \$525,000, and
16 at the February Board meeting of this year, a recycling
17 market development zone loan was approved in the amount of
18 \$1.5 million. That is a total investment of approximately
19 \$2.3 million. These investments indicate the important
20 role that BAS plays in our recycling program.

21 I might note also at this point that the
22 grants and the loan were not awarded to the facility while
23 they were in violation and while we were taking
24 enforcement action.

25 In conclusion, staff has reviewed the permit

1 renewal application package and determined that all the
2 applicable requirements have been met, including the local
3 fire department, vector control approvals, financial
4 assurance and operating liability requirements, date
5 minimum standards for tire storage, and the California
6 Environmental Quality Act.

7 Staff has drafted a waste tire facility
8 permit which is included as attachment number 1 of this
9 item.

10 In conclusion, staff recommends that the
11 Board adopt permit decision number 2002-571 approving and
12 issuing waste tire facility permit number 36-TI-0020.

13 Mr. Murray Quance, president of BAS
14 Recycling, is here and available to answer any questions
15 and has also requested to make a presentation. This
16 concludes staff's presentation.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.
18 Mr. Quance wants to make a presentation? I don't think I
19 have a speaker's slip. Is that what you said, he wants
20 to?

21 MR. SMITH: Yes.

22 CHAIRPERSON MOULTON-PATTERSON: Any questions
23 before the speaker? Mr. Jones.

24 BOARD MEMBER JONES: I have no questions. I
25 was just waiting to see if I could make a motion.

1 CHAIRPERSON MOULTON-PATTERSON: Would
2 Mr. Quance come forward?

3 MR. QUANCE: Madam Chair, fellow Board
4 members, thank you very much for an opportunity to speak
5 this morning. I just wanted to, hopefully at the risk of
6 not being too redundant, I just wanted to do a little
7 background on BAS, and I want to respond specifically to
8 the issue of compliance.

9 We were California, are California's first
10 whole tire recycler. We have been doing this since 1989.
11 We have the largest whole tire production facility in the
12 U.S., currently employing 60 to 85 people. We do not
13 import shreds. We don't rely exclusively on buffing. And
14 based on your support and our customer support, our plans
15 next year will have us recycling 3.3 million PTE's.

16 I have a sister company that I'm also
17 responsible for that was referred to by Terry. It is
18 Environmental Molding Concepts. And it's been in
19 operation since 1997, and I'm pleased to report that
20 California Recycled Rubber has gone into playground tile
21 installations. We have 3500 installs in right now, and
22 our product has been shipped to five continents.

23 So that's a little bit of background about
24 the two companies, BAS and AMC.

25 On the compliance issue, I'm here today to

1 tell you today that we take this very seriously. It was
2 an unfortunate situation we dealt with. I would like to
3 reaffirm that the steps we have taken, in a little bit
4 addition on what Terry mentioned, is he mentioned that we
5 do have some leadership out there that reports directly to
6 the operation that manages the tires because it is a
7 complex issue, as you all are aware with the collection
8 and what have you. Full time individual dedicated to the
9 control of it.

10 As part of the new layout we found that to
11 accommodate the tires inflow, we have two outside
12 locations right now where I store finished product, which
13 is a cost of doing business. And to accommodate what
14 we're going to do next year, we will be out there looking
15 for another hundred thousand square feet of square
16 footage.

17 So these are the steps that we have taken,
18 and constant vigilance of people bringing in tires, et
19 cetera, is something that I'm committing to you today that
20 we will take very seriously, and I'm prepared to answer
21 any questions that any of you may have.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you,
23 Mr. Quance.

24 Any questions for Mr. Quance? Mr. Paparian.

25 BOARD MEMBER PAPARIAN: Thank you. The

1 number you cited, 3.3 million tires, that is over 10
2 percent of our tire problem in California. I wish you the
3 best of luck in reaching that and hopefully exceeding it.

4 MR. QUANCE: Thank you very much. To support
5 that, although they are not -- I believe by 30 days from
6 now we will have 75 percent under firm contract. So it's
7 not -- this is something that would be contractually
8 obligated to us by our customers. So I feel very
9 confident. I'm not sure it will be 3.3, but we're going
10 to be pushing way beyond the two. Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, our
13 committee put this out, and I just talked to one of the
14 members that had an issue. He doesn't have any issues.
15 All his questions got answered, and we appreciate that.

16 So I'm going to be able to move adoption of
17 Resolution 2002-571, the consideration of the renewal and
18 issuance of a major waste tire facility permit for BAS
19 Recycling, Inc., in San Bernardino County.

20 BOARD MEMBER MEDINA: Second.

21 CHAIRPERSON MOULTON-PATTERSON: We have a
22 motion by Mr. Jones, seconded by Mr. Medina, to approve
23 Resolution 2002-571. Please call the roll.

24 SECRETARY WADDELL:

25 MR. EATON: Aye.

MR. JONES: Aye.

1 MR. MEDINA: Aye.

MR. PAPARIAN: Aye.

2 MS. MOULTON-PATTERSON: Aye.

3 BOARD MEMBER JONES: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: Very briefly, as we're
6 going through our five-year plan trying to figure out how
7 we're going to deal with all these tires, I did get some
8 information that put BAS at the top of the list from some
9 industry folks that I think it's important to us. I have
10 asked our staff or at least mentioned to our staff that we
11 need to really get an inventory of the processors, the
12 BAS's, the CRM's, the others, so that we have got an idea
13 of where these tires are going to go.

14 I know our staff is going to work on that to
15 really give us an idea of what we can expect, because it
16 is a fragile industry that we're going to have to continue
17 to help develop or at least sustain. And so I just wanted
18 to say that because I was impressed with the person that
19 told me how good a couple of these folks were and the
20 reliance that they have as an industry on them. So I
21 thought I'd pass that on on the record.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you,
23 Mr. Jones.

24 That brings us to Waste Prevention and Market
25 Development. We have only one item in this section.

1 Mr. Jones, did you have any comments as chair of that
2 committee?

3 BOARD MEMBER JONES: No, none.

4 CHAIRPERSON MOULTON-PATTERSON: Then I'll
5 turn it over to Miss Wohl.

6 MS. WOHL: Patty Wohl, Waste Prevention and
7 Market Development Division.

8 Agenda item 11 is consideration of the
9 recycling market development revolving loan program
10 application for Epic Plastics, Inc. As mentioned earlier,
11 this was heard by both the Special Waste and Marketing
12 Development Committee and the Budget and Admin Committee
13 and received consensus from both.

14 It's a loan in the amount of \$1,710,000 to
15 purchase equipment for their new manufacturing project.
16 The project is located in Lodi.

17 Staff recommends that the Board approval the
18 loan contained in Resolution 2002-579 to Epic Plastics,
19 Inc., in the amount of 1,710,000.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Mr. Medina.

22 BOARD MEMBER MEDINA: Thank you, Madam Chair.
23 I would like to move Resolution 2002-579, consideration of
24 the recycling market development revolving loan program
25 application for Epic Plastics in the amount of \$1,710,000.

1 BOARD MEMBER JONES: I'll second.

2 CHAIRPERSON MOULTON-PATTERSON: We have a
3 motion by Mr. Medina, seconded by Mr. Jones, to approve
4 Resolution 2002-579. Without objection, can we substitute
5 the previous roll call?

6 We have no items, and everything has been
7 taken care of in Executive, Administrative and Policy.
8 Which moves us to Permits, and that item number 23.
9 Mr. Schiavo.

10 I mean not Mr. Schiavo. I'm sorry. Scott
11 Walker, Mr. Walker.

12 MR. WALKER: Thank you. Scott Walker,
13 Permitting and Enforcement Division. I don't know if
14 Board Member Paparian would like to lead in on the
15 committee first, and then I'll take up 23.

16 CHAIRPERSON MOULTON-PATTERSON: Thanks for
17 the reminder. Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Madam Chair, we did
19 up several items that might be of general interest. I'll
20 just go through what we took up at the committee.

21 There was an agenda item, agenda item 22
22 related to a facilities permit that's been put over till
23 November voluntarily by the operator. So we didn't hear
24 that one.

25 The item 23 we're going to hear in a second.

1 Item 24 we voted on in the consent calendar.

2 Now we did hear an update on the inventory of
3 solid waste facilities which violates state minimum
4 standards. That is agenda item 25. And I think that's a
5 good summary in there of where we're at with those
6 facilities.

7 The inventory -- excuse me -- the regulations
8 related to the inventory of solid waste facilities which
9 violate state minimum standards, that was agenda item 26,
10 there were some good questions that came up in the
11 committee. Actually Mr. Cannella raised some questions
12 for clarification with regards to those regulations.
13 Based on that, we gave direction to the staff to go out
14 for an additional 15-day comment period to clarify the
15 language and then bring that back in November or December.
16 I'm not sure. Probably December, Scott?

17 MR. WALKER: Actually we're planning to bring
18 it back in November.

19 BOARD MEMBER PAPARIAN: In November.

20 The composting regs, which is agenda item 27,
21 we directed staff to go out for an additional 15-day
22 review and comment period and also asked staff to meet
23 with some of the parties that continue to raise concerns,
24 including Alameda County and one or two others, to try to
25 either address those concerns or reach any common

1 understanding of what the regs actually do. There was
2 some disagreement I think between staff's interpretation
3 of what the regs actually do in terms of impacts on some
4 of the facilities in these areas versus what some of the
5 local folks think the impacts will actually be.

6 The final item that we dealt with was the
7 ADC, alternative daily cover proposed rule making, and
8 what we did after much discussion was direct staff to go
9 ahead with a comment period, but instead of the normal 45
10 days, we directed staff to have a 60-day comment period
11 and also said that during that time the P and E Committee
12 will hold a hearing to take input from the stakeholders on
13 those regs. There is a lot of interest in what we do with
14 ADC regs, and we want to make sure the committee maintains
15 an active role in the development of those regs.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you,
17 Mr. Paparian.

18 Mr. Walker.

19 MR. WALKER: Thank you. Item 23 is
20 consideration of grant awards for the Farm and Ranch Solid
21 Waste Cleanup Grant Program fiscal year 2002/2003. This
22 item was heard at both the Permitting and Enforcement and
23 Budget and Admin Committees and receives fiscal consensus.

24 Two grants are recommended for approval.
25 They total \$19,201. The grant applications have been

1 reviewed and scored by staff and meet all applicable Board
2 approved policies, procedures, and regulations.

3 The two grantees would include the Los
4 Angeles County Solid Waste Local Enforcement Agency, and
5 the current County Waste Management Department.

6 In conclusion, staff recommend the Board
7 adopt Resolution 2002-574 awarding grants pursuant to the
8 Farm and Ranch Solid Waste Cleanup and Abatement Program.

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

10 BOARD MEMBER MEDINA: Madam Chair, I would
11 like to move Resolution 2002-574, approval of grant awards
12 for the Farm and Ranch Solid Waste Cleanup Program, fiscal
13 year 2002/2003, grant to the Los Angeles County Health
14 Department Local Enforcement Agency in the amount of
15 \$10,000, one to the Kern County Waste Management
16 Department in the amount of \$9,201.

17 BOARD MEMBER JONES: Second.

18 CHAIRPERSON MOULTON-PATTERSON: We have a
19 motion by Mr. Medina, Seconded by Mr. Jones, to approve
20 Resolution 2002-574. Please call the roll.

21 SECRETARY WADDELL:

22 MR. EATON: Aye.

MR. JONES: Aye.

MR. MEDINA: Aye.

MR. PAPARIAN: Aye.

MS. MOULTON-PATTERSON: Aye.

CHAIRPERSON MOULTON-PATTERSON: That takes us

1 to DPLA. Mr. Jones, did you have anything to say about --
2 we're down to two items here. Or you might have some
3 general comments about the others, too.

4 BOARD MEMBER JONES: No, just that we had a
5 whole lot of items on the agenda, and staff did a great
6 job presenting them, and the committee members did a great
7 job of moving them, and we got through it, the day that
8 you were up giving a speech.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you
10 very much. That brings us to item 59, and I'll call on
11 Mr. Schiavo now.

12 MR. SCHIAVO: You did 59.

13 CHAIRPERSON MOULTON-PATTERSON: So do we just
14 have 62?

15 BOARD MEMBER JONES: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

17 BOARD MEMBER JONES: Before Mr. Schiavo
18 starts, the one addition to this was Mr. Eaton's idea that
19 jurisdictions or schools that are coming forward for this
20 participate as equal partners in the city's goal to hit AB
21 939 diversion goals. So there is a revised resolution
22 that I think deals with that well, and I want to thank the
23 committee members for coming up with that idea because I
24 think it adds a little strength to what we're trying to
25 do.

1 MR. SCHIAVO: Item 62 is consideration of
2 approval of proposed scoring criteria and evaluation
3 process for fiscal year 02-03 and 03-04 for the Unified
4 Education Strategy Grants from the School Diversion and
5 Environmental Education Law Program. And Tricia Broddrick
6 will make this presentation.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 MS. BRODDRICK: Tricia Broddrick from the
9 Office of Integrated Environmental Education.

10 These are the competitive grants, and they
11 will be provided in two cycles. The first cycle would
12 provide financial, technical and professional development
13 to support school districts and integrated education
14 programs. The second year would actually be the
15 implementation of that plan.

16 As I said, this is an open competitive
17 process. It enjoyed consensus at the committee but with a
18 positive suggestion from Mr. Eaton, which we have included
19 into the criteria, and you would see that change where
20 under the work plan category, Item No. 4 in the section is
21 added to address the need for school districts to connect
22 with the local jurisdictions when planning and
23 implementing their waste diversion programs.

24 While we were at it we added another section,
25 one additional change under the match funds section.

1 There was some concern with staff about financial
2 hardships for those school districts who may have
3 difficulty procuring in-kind and financial support for
4 matching funds, and therefore, we have put in language
5 that adds a formula to use that would allow the applicant
6 to prove there is extreme financial hardship, thereby
7 reducing their matching fund requirement.

8 So those two changes are the only ones that
9 were made, and staff would recommend approval of this
10 scoring criteria.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.
12 Well, I'll go ahead and move the resolution if I see no
13 questions. I'd like to move Resolution 2002-568, the
14 scoring criteria and evaluation process for the Unified
15 Education Strategy Grant Programs for the fiscal year
16 2002/2003 and fiscal year 2003/2004.

17 BOARD MEMBER MEDINA: Second.

18 CHAIRPERSON MOULTON-PATTERSON: We have a
19 motion by Moulton-Patterson, seconded by Mr. Medina.
20 Please call the roll.

21 SECRETARY WADDELL:

22 MR. EATON: Aye.

 MR. JONES: Aye.

23 MR. MEDINA: Aye.

 MR. PAPARIAN: Aye.

24 MR. MOULTON-PATTERSON: Aye.

25 CHAIRPERSON MOULTON-PATTERSON: We have one

1 public speaker. At the very end of our meeting we do have
2 public comments. And then I'd like to ask the Board's
3 indulgence to have our closed session immediately. It is
4 only about five minutes. Okay?

5 So Rick Lymp, Right2Know organization.

6 MR. LYMP: Hello. Good morning, Madam Chair,
7 gentlemen. My name is Rick Lymp. I'm with Right2Know.

8 And I came in this morning to make a
9 statement regarding the alternate daily cover discussion.
10 You have already made a decision on that, but regardless,
11 I'm going to read this statement to you folks.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 MR. LYMP: Thank you, ma'am. On February 28,
14 2001, I filed a notice of RCRA violations and intention to
15 file citizen suit, listing Cal EPA, Toxics, Water Board,
16 Waste Board, and 28 individuals who run the agencies as
17 respondents.

18 The NOI focussed on alternate daily cover and
19 the commingling of hazardous waste with municipal solid
20 wastes.

21 Earlier this year I addressed this Board and
22 informed you that by my filing the RCRA NOI, you and all
23 the other respondents have been denied certain legal
24 rights. Under federal law, you may not administratively
25 modify any impacted policies, programs or regulations

1 until such time as the RCRA issues addressed in my NOI are
2 settled.

3 At that time I also referenced the codified
4 authority. That action is a matter of record.

5 I'm here today to remind you that the NOI is
6 focused on alternate daily cover. At this time any
7 administrative modification of impacted policies,
8 programs, or regulations would be highly inappropriate.

9 The RCRA issues have not been resolved. Any
10 such action would be a violation of federal law. Such
11 action would constitute a breach of contract. It would
12 jeopardize the authority the State of California has been
13 granted to administer and enforce federal environmental
14 laws.

15 Madam Chair, I have copies for distribution.
16 Can I give them to your staff over here?

17 CHAIRPERSON MOULTON-PATTERSON: Please do.
18 Make sure we get them. Thank you.

19 With that, this meeting is adjourned.

20 Thank you for a great meeting.

21 (Meeting adjourned at 11:52 a.m.)
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25

1 CERTIFICATE OF REPORTER

2
3 I, ERIC V. NELSON, a Certified Shorthand Reporter
4 of the State of California, and Registered Professional
5 Reporter, do hereby certify:

6 That I am a disinterested person herein; that
7 the foregoing California Integrated Waste Management Board
8 meeting was reported in shorthand by me, Eric V. Nelson, a
9 Certified Shorthand Reporter of the State of California,
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 28th day of October, 2002.

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19
20 ERIC V. NELSON, CSR # 2205
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